

§ 928.1

928.226 Assessment rate.
928.313 Hawaiian Papaya Regulation 13.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 36 FR 8925, May 15, 1971, unless otherwise noted.

Subpart—Order Regulating Handling

DEFINITIONS

§ 928.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

Act means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601-674).

§ 928.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

Papayas means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

Production area means the State of Hawaii.

§ 928.6 Fiscal year.

Fiscal year means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided*, That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

Committee means the Papaya Administrative Committee established pursuant to § 928.20.

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§ 928.8 Grower.

Grower is synonymous with *producer* and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

Handle or *ship* are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include:

- (a) The sale of papayas on the tree;
- (b) The transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or
- (c) The sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(o):

(a) *District 1* shall include the island of Hawaii.

(b) *District 2* shall include the county of Kauai which consists of the islands of Kauai and Niihau; the county of Maui which consists of the islands of Maui, Molakai, Lanai, and Kahoolawe; and Kalawao County.

(c) *District 3* shall include the county of Honolulu which includes all of the island of Oahu.

[53 FR 864, Jan. 14, 1988]

§ 928.12 Export.

Export means to ship papayas to any point outside the State of Hawaii.